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JUN 30 2004

Docket No.: 21900-00024-US
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Yoshikazu Ishii

Application No.: 09/854,558

Confirmation No.: 8144

Filed: May 15, 2001

Art Unit: 2633

For: DELAY EQUALIZER, OPTICAL
TRANSMITTER USING SAME DELAY
EQUALIZER, AND OPTICAL
TRANSMISSION SYSTEM

Examiner: S.K. Li

OFFICIAL**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement, applicant hereby elects the species covered by Species I, corresponding to Figures 1, 3, 8 and 12. Claims 1, 2, 6 and 7 are readable of the elected species.

Although the Examiner states that the species IV of Figs. 16 and 17 is patentably distinct from the species I (Figures 1, 3, 8 and 12), Applicant believes that the present invention of Figs. 16 and 17 include the species I as one element thereof. In other words, claims 11, 12, 16, 17, 21, 22, 26 and 27 readable on the species IV are combination claims whereas claims 1, 2, 6 and 7 are sub-combination claims. Applicant traverses the requirement since it is believed that species IV should also be examined together with the elected species I.

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Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than two species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21900-00024-US from which the undersigned is authorized to draw.

Dated: June 30, 2004

Respectfully submitted,

By 

Morris Liss

Registration No.: 24,510

No Attorney

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DATE: June 30, 2004**PTO IDENTIFIER:** Application Number 09/854,558-Conf. #8144
Patent Number**Inventor:** Yoshikazu Ishii**OFFICIAL****MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP

Morris Liss

PHONE: (202) 331-7111**Attorney Dkt. #:** 21900-00024-US**PAGES (Including Cover Sheet):** 4**CONTENTS:** Response to Election of Species Requirement (2 pages) and
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PTO/SB/97 (12-97)

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